REMARKS

The Office Action mailed April 6, 2009 has been reviewed and reconsideration of the above-identified application in view of the following amendments and remarks is respectfully requested

Claims 1-16 are pending and stand rejected.

Claims 1 and 13-16 are independent claims.

Claims 1, 4, 10, 13, 15 and 16 have been amended. Claims 2, 3, and 14 have been cancelled

Claims 1, 2, 5-11, 13-14 and 15-16 stand rejected under 35 USC 102(b) as being anticipated by Lane (USP no. 6, 031, 960). Claims 3, 4 and 12 stand rejected under 35 USC 103(a) as being unpatentable over Lane in view of Yoo (USP no.6, 973, 258).

With regard to the rejection of claims 1, 2, 5-11, 13-14 and 15-16 under 35 USC 102(b) as being anticipated by Lane, applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, in order to advance the prosecution of this matter, each of the independent claims has been amended to recite low pass filtering of the received presentation time stamps and locking a clock signal to modified presentation time stamps. No new matter has been added. Support for the amendment may be found at least on page 13, lines 20-24 and in cancelled claims 2 and 3. Although claim 3 has been rejected with regard to the teaching of Yoo, it will be shown that Yoo fails to disclose the subject matter recited in claim 3 and, hence, the claims as amended are allowable over the Lane and Yoo.

Accordingly, as the Office Action acknowledges that Lane fails to disclose the subject matter recited in claim 3, which has been incorporated into the independent claims, applicant submits that the independent claims include subject matter not disclosed by Lane.

Notwithstanding the amendment to the claims, Lane further fails to disclose modification of the PCR values based on a scale factor as is recited in the claims (i.e., a scaling factor that depends on a ratio of an expected time between a video presentation

time stamp j and a preceding video presentation time stamp j-n and an actual time between the video presentation time stamp j and the preceding video presentation time stamp j-n, where j≥ n>0, and the expected time is n times the predetermined frame time). Rather, Lane discloses modification of the presentation time stamps (PTS) based on the encoded […] speed/actual […] speed. (see col. 11, lines 13-20).

Hence, Lane fails to disclose the element of modification of the PCR values using a scaling factor as is recited in the claims or of developing a scale factor based on the PTS times as is recited in the claims.

A claim is anticipated if and only if each of the elements recited in the claims is found in a single prior art reference.

Accordingly, Lane cannot be said to anticipate the subject matter recited in each of the independent claims as Lane fails to disclose a material element recited in the claims.

With regard to the rejection of claim 3, 4 and 12 under 35 USC 103(a) as being unpatentable over Lane in view of Yoo, applicant respectfully disagrees and explicitly traverses the rejection of the claims.

Yoo discloses a method for recording digital data streams received by a set top box, wherein program clock references in the data stream are different than an actual arrival time of the data stream. The difference is compensated before the data stream is recorded. Yoo teaches the detecting of the program clock references (PCR) contained in a received data stream packets, creating the transport time reference of each packet based upon the detected program clock references and arrival times and creating transport stream units by adding each of the created transport time reference to the associated packet. Yoo teaches, in figure 7, the low pass filtering of a digital error signal (e1) that is the result of the subtraction of a locally generated counter value from a PCR value found in the transport stream. The difference represents the difference between the expected PCR time and the actual PCR time. The low pass filtered error signal is then applied to a VCO to adjust the oscillation frequency of the VCO so that the oscillator clock can be locked with the PCR value. (see col. 5, lines 40-50).

Thus Yoo teaches the filtering of the PCR values to obtain an error signal that is

used to lock a clock unit. Yoo fails to provide any teaching regarding the filtered video presentation time stamps (PTS) and, hence, fails to disclose a material element recited in each of the independent claims.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

In this case, the combination of Lane and Yoo fails to disclose at least the element of modifying the PCR values based on scale factor, which is based on expected time/actual time or generating an error signal based on a filtered PTS value, as is recited in the claims.

Accordingly, a prima facie case of obviousness of the subject matter claimed has not been met and the claims stand in a form that is not disclosed by the cited references.

For the amendments made to the claims and the remarks made herein, applicant submits that all the claims are in allowable for and respectfully requests that a Notice of Allowance be issued.

Applicant further denies any statement, position or averment stated in the Office Action that is not specifically addressed by the foregoing. Any rejection and/or points of argument not addressed are moot in view of the presented arguments and no argument is waived and none of the statements and/or assertions made in the Office Action are conceded.

Furthermore, applicant makes no statement regarding the patentability of the subject matter recited in the claims prior to this amendment and explicitly reserves the right to re-prosecute the claims in their form prior to this amendment in one or more continuing applications during the dependency of this application or any application depending therefrom.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,

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Date: June 2, 2009

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